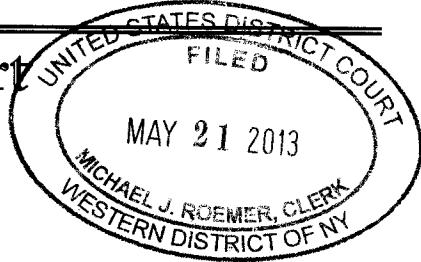


United States District Court
for the
Western District of New York



United States of America)

v.)

PATRICK WELCH,)

Defendant)

Case No. 13-MJ-

583

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From, on or about the dates of February 18, 2013 through March 25, 2013, in the county of Livingston in the Western District of New York, the defendant violated 18 U.S.C. §§ 2252A(a)(5)(B) and Section 2252A(a)(1) and (2), an offense described as follows:

the defendant, knowingly possessed child pornography with the images of child pornography having been produced using materials that had been mailed, shipped or transported in interstate or foreign commerce, in violation of Title 18, United States Code, Section 2252A(a)(5)(B); AND knowingly distributed and received child pornography with the images of child pornography having been produced using materials that had been mailed, shipped or transported in or affecting interstate or foreign commerce in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

This criminal complaint is based on these facts:

- Continued on the attached sheet.

Complainant's signature

William J. Aiello, Special Agent
Department of Homeland Security

Printed name and title

Sworn to before me and signed in my presence.

Date: May 21, 2013

Honorable Jonathan W. Feldman
United States Magistrate Judge

Printed name and title

City and State: ROCHESTER, NEW YORK

**AFFIDAVIT IN SUPPORT
OF A SEARCH WARRANT**

STATE OF NEW YORK)
COUNTY OF MONROE)
CITY OF ROCHESTER)

13mj583

I, William J. Aiello, being duly sworn, depose and state the following:

1. I am a Special Agent with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI) in Buffalo, New York, and have been employed in this capacity for 3 years. I was previously employed as a United States Postal Inspector with the United States Postal Inspection Service (USPIS) for approximately 3 $\frac{1}{2}$ years. Before I began my career as a Postal Inspector and Special Agent, I was employed as a Police Officer with the Henrico County Police Department in Richmond, Virginia. In my capacity as a Police Officer, Postal Inspector and Special Agent I have investigated criminal violations relating to child exploitation and child pornography, including the illegal distribution, receipt and possession of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. I have had the opportunity to observe and review numerous examples of child pornography, as defined in Title 18, United States Code, Section 2252, in various forms of media including computer media.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant charging PATRICK WELCH ("WELCH") with knowingly possessing child pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and knowingly distributing and receiving child pornography in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

3. The statements contained in this affidavit are based upon my investigation, information provided to me by other law enforcement personnel, and on my experience and training as a special agent of HSI. Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are necessary to establish probable cause to believe that WELCH did knowingly violate Title 18, United States Code, Section 2252A(a)(2)(A) and Title 18, United States Code, Section 2252A(a)(5)(B).

4. On May 13, 2013, Major Matt Burgess of the Livingston County Sheriff's Office, (LCSO) contacted the United States Attorney's Office for the Western District of New York regarding a child pornography investigation. Major Burgess reported that an investigative referral had been received from Detective Bernell Trapp, a Los Angeles County Sheriff Investigator, who works on the Sexual Assault Felony Enforcement Team (SAFE) in Los Angeles, California. Detective Trapp was conducting an investigation into the possession and distribution of child pornography by two individuals following a National Center for Missing and Exploited Children (NCMEC) Cyber tip.

5. NCMEC provided a Cyber tip to SAFE based on information received from www.tagged.com. On February 18, 2013, a representative of an internet website named "Tagged.com" recorded a conversation between two users. One user claimed to be a 15-year-old with a screen name of "David D". The other user claimed to be a 14-year-old with a screen name of "Angel L". This recorded conversation started at 9:32:27 a.m. PDT, and ended at 6:59:08 p.m. PDT. During this extended conversation, David D utilized I.P. Address 50.48.108.90. User Angel L utilized I.P. Address 76.90.210.211.

6. The conversation included topics such as how large each other's penis is, and sending nude pictures to each other. The conversation then continued on to what pictures they wanted to see from each other. At one point, each of the users talked about sending a picture to the other. In the recorded conversation, each of them confirm they received the pictures. This is evidenced by the fact that each one of them complimented the other on the size of their penis. David D provided Angel L with his email address as dave1998@live.com.

7. On March 25, 2013, Detective Trapp served a search warrant on Frontier Communications to identify the subscriber for the IP address 50.48.108.90 during the date and time the conversation took place. Frontier Communications immediately responded and provided the following subscriber information:

Name: Donna Welch
Address: 8178 Scipio Road
Mount Morris, NY 14510
Phone Number: (585) XXX-XXXX

8. On March 25, 2013, Detective Trapp served a search warrant on Microsoft Corporation for the email address dave1998@live.com. This particular email address was provided by "David D" to "Angel L" during their chat recorded by tagged.com on February 13, 2013. "David D" indicated that he

used this address as his Kik Messenger address which is a Microsoft-based messenger program. The IP address identified as 50.48.108.90 was the IP address being used by the user "David D" which Frontier Communications indicated as being subscribed to Donna Welch at 8178 Scipio Road, Mount Morris, NY 14510.

9. On March 25, 2013, Microsoft Corporation provided an immediate response to the search warrant served by Detective Trapp for the email account dave1998@live.com. In the response to the search warrant, Microsoft provided user information, email folders, email folder content to include emails in the "trash" folder, "sent" folder, "inbox" and other saved folders as well. Detective Trapp analyzed the contents of these emails. Located within the email folders were several videos and picture files that were sent from the email account dave1998@live.com. The videos were viewed and within one particular email was contained the following:

- a) On March 16, 2013 the email address dave1998@live.com sent an email to rypark1280@gmail.com that contained the following videos:
 - i. "bcg_brother3.mwv" - three naked, prepubescent boys. One masturbating while the other two have anal sex.

- ii. "(luto)moja04(2).avi" - two prepubescent boys having anal sex.
- iii. "10 inches for you.mp4" - a prepubescent male masturbating.
- iv. "!!!!+a+a+}+a++++}!!!!.MPG" - two prepubescent males having anal sex.
- v. "!!!Best Young BJ.mpeg" - a prepubescent male giving a blow job to another prepubescent male.
- vi. "Boys_swinmhall_3(1).mwv" - two prepubescent males masturbating each other.
- vii. "(Yamad_Boy)Zadoom_Pedo_Russian_Boy_11yr_with_1ong_cock_Anyd's_Friend1_20f2+_Bibcam_-2_boys_having_fun_(andy_and_friend_arabboy.flv" - two prepubescent males masturbating each other.

10. A copy of the contents of the email account dave1998@live.com was provided to your affiant. I viewed these videos and pictures located in the email folders. Based on your affiant's training and experience, I believe that these images depict minors engaged in sexually explicit conduct as proscribed by statute.

11. On May 13, 2013, I conducted public records database research which indicates that Donna and Patrick Welch currently own and reside at 8178 Scipio Road, Mount Morris, NY 14510. LCSO Major Matt Burgess provided information that Patrick Welch is a convicted sex offender with a conviction for course of sexual conduct against a child in 2003.

12. On or about May 20, 2013, your affiant applied for and obtained a search warrant (13-M-581) for the premises located at 8178 Scipio Road, Mt. Morris, New York. On or about May 21, 2013, I, along with other law enforcement members, went to execute the search warrant at 8178 Scipio Road, Mt. Morris, New York. I had the opportunity to interview PATRICK WELCH at his residence while the search warrant was being executed. WELCH admitted that he had been using the email account dave1998@live.com to trade, distribute and receive images of child pornography over the last year.

13. On or about May 21, 2003, a forensic preview was conducted WELCH's Toshiba laptop computer. Several images of child pornography were found on the laptop including some of the images that had been discovered from the email account dave1998@live.com.

14. According to the manufacturer's label, the Toshiba laptop computer is made in China.

CONCLUSION

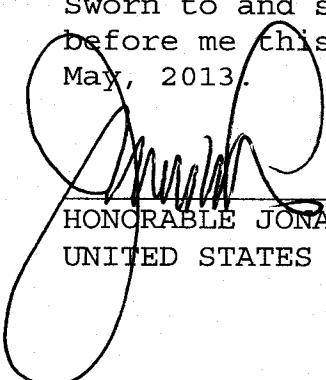
Based upon the forgoing, your affiant respectfully submits that there is probable cause to believe that PATRICK WELCH has violated Title 18, United States Code, Section 2252A(a)(2)(A)

and Title 18, United States Code, Section 2252A(a)(5)(B).



William Kiello, Special Agent
Homeland Security Investigations

Sworn to and subscribed
before me this 21 day of
May, 2013.



HONORABLE JONATHAN W. FELDMAN
UNITED STATES MAGISTRATE JUDGE